

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

JACOB SMITH,

Plaintiff,

vs.

ROEY PFISTER, et al.,

Defendants.

CV-20-05-H-BMM-JTJ

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 16, 2020. (Doc. 7). Smith filed a Complaint and a Motion for a Temporary Restraining Order and Injunctive Relief. (Doc. 2, 6). The Magistrate Judge recommended denying Smith's motion. (Doc. 7).

Neither party filed objections to the Findings and Recommendations. The Court reviews for clear error any portion to which no party specifically objected. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Magistrate Judge correctly concluded that Smith's Motion for a Temporary Restraining Order should be denied. "A plaintiff seeking a preliminary

injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Smith seeks an order preventing Defendant Conell from retaliating against Peter Hallberg and Smith’s witnesses. (Doc. 6). Smith has failed to demonstrate the above *Winters* factors. Smith has not demonstrated that he is likely to succeed on the merits, that he is likely to suffer irreparable harm, or that the balance of equities and public interest tips in his favor. Therefore, the Magistrate Judge did not clearly err in concluding that Smith’s motion for injunctive relief be denied.

IT IS ORDERED that the Findings and Recommendations (Doc. 7) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Smith’s Motion for Temporary Restraining Order and Injunctive Relief (Doc. 6) is **DENIED**.

DATED this 7th day of April, 2020.



Brian Morris, Chief District Judge
United State District Court